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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **OAKLAND DIVISION**

19 TWITTER, INC.,

20 Plaintiff,

21 v.

22 MATTHEW G. WHITAKER, Acting Attorney
General of the United States, *et al.*

23 Defendants.
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Case No. 14-cv-4480-YGR

**JOINT STIPULATION REGARDING
TWITTER'S PENDING PRIVILEGE
CHALLENGE MOTION AND OTHER
OUTSTANDING DEADLINES**

Hon. Yvonne Gonzalez Rogers

Pursuant to Local Rules 6-1 and 6-2—and in accordance with the Court’s January 29, 2019 Order directing the parties to meet and confer regarding outstanding deadlines (Dkt. No. 267)—Plaintiff Twitter, Inc. and Defendants Matthew G. Whitaker, the United States Department of Justice, Christopher Wray, and the Federal Bureau of Investigation (collectively, “Defendants”), by and through their respective counsel of record, submit the following joint stipulation regarding outstanding deadlines in this case.

WHEREAS:

1. On November 26, 2018, the Court issued a Minute Order (“Minute Order”) setting the following deadlines on Twitter’s motion challenging Defendants’ privilege claims over certain bellwether documents: Any motion was to be filed by December 21, 2018, the deadline for the Government’s opposition was January 11, 2019, and the deadline for Twitter’s reply was January 22, 2019. *See* Dkt. No. 247. The Court set a hearing on the privilege motion for February 5, 2019. *Id.*

2. Additionally, on December 14, 2018, the Court granted the parties’ stipulated request to set a discovery schedule, and set a deadline of February 15, 2019, for the production of Defendants’ remaining logs for classified documents. *See* Dkt. No. 253.

3. In accordance with the Court’s November 26, 2018 Minute Order, Twitter filed a motion challenging Defendants’ privilege designations over certain “bellwether” documents on December 21, 2018 (“Privilege Motion”). *See* Dkt. No. 258.

4. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriates to the Department lapsed. *See* Dkt. No. 259, at 1. Defendants accordingly filed an Unopposed Motion for a Stay in Light of Lapse of Appropriations on December 26, 2018 (“Stay Motion”). *See generally id.*

5. On January 2, 2019, the Court granted in part and denied in part Defendants’ Stay Motion. *See* Dkt. No. 262. The Court granted the Stay Motion as to Twitter’s pending Privilege Motion, but denied Defendants’ Stay Motion as to the briefing on the Court’s Order to Show

1 Cause (Dkt. No. 261). The Court accordingly vacated the February 5, 2019 hearing on Twitter's
2 Privilege Motion.

3 6. On January 29, 2019, the Court issued an order vacating the stay entered by its
4 January 2, 2019 order and directing the parties (a) to meet and confer and (b) to submit to the
5 Court no later than February 1, 2019 a joint status statement and proposed schedule to complete
6 briefing on Twitter's pending Privilege Motion and "any other outstanding deadlines in the
7 action" (the "Order"). *See* Dkt. 267.

8 7. As directed by the Court, counsel for the parties met and conferred on January 30,
9 2018, via both telephone and email, regarding outstanding deadlines in this matter.

10 8. The parties have agreed to and hereby propose the following deadlines:

11 a. Defendants' opposition to Twitter's Privilege Motion shall be due **February**
12 **25, 2019;**

13 b. Twitter's reply in support of its Privilege Motion shall be due **March 14,**
14 **2019;**

15 c. A hearing on Twitter's Privilege Motion shall be set for **March 27, 2019,** or
16 any time thereafter that is convenient for the Court;

17 d. The Government shall resume filing its bi-weekly discovery status reports on
18 **February 15, 2019;** and

19 e. The Government shall produce its remaining logs for classified documents on
20 **March 22, 2019.**

21 9. The parties jointly submit that the proposed deadlines above are the product of an
22 effort by the parties to accommodate both parties' travel and business commitments. Defendants
23 have requested additional time to respond to Twitter's Privilege Motion to accommodate their
24 significant backlog resulting from the extended lapse in appropriations. And the requested
25 extension of time to accommodate Defendants' workload produces conflicts with various
26 preexisting travel commitments and deadlines for Twitter's counsel in other matters.

27 10. A proposed order on the parties' joint stipulation is attached hereto.
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Agreed to and submitted by:

Dated: February 1, 2019

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ATTORNEYS FOR PLAINTIFF
TWITTER, INC.

Pursuant to General Order No. 45, I, Lee H. Rubin, attest that I obtained concurrence in the filing of this document from the following signatories.

Dated: February 1, 2019

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Assistant Attorney General
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Case No. 14-cv-4480-YGR

**[PROPOSED] ORDER ON JOINT
STIPULATION REGARDING
TWITTER'S PENDING PRIVILEGE
CHALLENGE MOTION AND OTHER
OUTSTANDING DEADLINES**

Hon. Yvonne Gonzalez Rogers

1 Pursuant to the Court's January 29, 2019 Order (Dkt. No. 267) and joint stipulation of
2 the parties, the Court sets the following deadlines for completion of briefing on Twitter's
3 pending Motion Challenging Defendants' Privilege Designations (Dkt. No. 258) ("Privilege
4 Motion") and outstanding discovery in this matter:

- 5 a. Defendants' opposition to Twitter's Privilege Motion shall be due **February 25,**
6 **2019;**
- 7 b. Twitter's reply in support of its Privilege Motion shall be due **March 14, 2019;**
- 8 c. A hearing on Twitter's Privilege Motion shall be set for **March 27, 2019**, or any time
9 thereafter that is convenient for the Court [_____];
- 10 d. The Government shall resume filing its bi-weekly discovery status reports on
11 **February 15, 2019;** and
- 12 e. The Government shall produce its remaining logs for classified documents on **March**
13 **22, 2019.**
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16 **IT IS SO ORDERED**

17 Dated: _____, 2019

17 By: _____

18 Hon. Yvonne Gonzalez Rogers
19 United States District Court Judge

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